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March 4, 2022

VIA ECF

Hon. Gabriel W. Gorenstein
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

MEMORANDUM ENDORSED

Re: L.T., et al. v. Harlem Children's Zone, Inc., et al.
No. 21 CV 1367 (PAE) (GWG)

Dear Judge Gorenstein:

I am an Assistant Corporation Counsel in the Office of the Corporation Counsel, attorney for the New York City Department of Education ("DOE"), New York City Board of Education ("BOE"), and former Chancellor Richard Carranza (collectively, the "DOE Defendants"), in the above-referenced action. With all parties' consent, I write to respectfully request an adjournment of the settlement conference scheduled in this matter for March 14, 2022.

In their 237-paragraph First Amended Complaint (dkt. no. 14), Plaintiffs assert claims under the Individuals with Disabilities Education Improvement Act ("IDEA"), 20 U.S.C. § 1400, et seq. and Section 504 of the Rehabilitation Act against DOE Defendants, a charter School (Promise Academy) and the charter school's operator (Harlem Children's Zone). Central to Plaintiffs' claims are allegations that the Plaintiff student did not receive services required by his IEP and was therefore denied a free appropriate, and the student's alleged expulsion from the charter school and the resulting impact on the student.

Plaintiff has provided Defendants with a settlement proposal that does not apportion the proposed compensation as between the private and municipal defendants. In order for each set of Defendants to assess that proposal, they must first investigate Plaintiffs' allegations and determine for themselves the appropriate allocation of any settlement. Unfortunately, DOE Defendants' investigation of Plaintiffs' allegations took longer than expected, and I have not yet obtained authority from the Comptroller's Office to resolve this matter. Thus, although DOE Defendants have had very preliminary discussions with both

Plaintiffs' counsel and counsel for the HCZ Defendants, Defendants are not yet in a position to have a meaningful settlement conference.

Accordingly DOE Defendants respectfully request that the settlement conference scheduled for March 14, 2022 be adjourned for at least three weeks, to allow the parties additional time to develop their settlement positions and attempt to resolve this matter without court intervention. I have conferred with counsel for Plaintiffs and co-Defendants, each of whom consents to this request. Please note that if the Court grants this request, I am not available on any Friday, and also will be out on April 13 and 14.

Thank you for your consideration of the foregoing.

Respectfully,

/s/ Jeffrey S. Dantowitz

Jeffrey S. Dantowitz
Assistant Corporation Counsel

cc: All counsel of record
(via ECF)

Application denied for failure to comply with the procedures set forth in Docket # 69.

So Ordered.



GABRIEL W. KORENSTEIN
United States Magistrate Judge

March 4, 2022